

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL NO. 1:00CV33**

**ELSIE GODFREY, Individually and )  
as Personal Representative of the )  
Estate of Willie C. Godfrey; JAMES )  
E. AMMONS; THOMAS M. ARD, and )  
wife MYRNA F. ARD; WILLIAM H. )  
BRADLEY, and wife CLYDEAN C. )  
BRADLEY; RICHARD D. DAY, and )  
wife DIANE M. DAY; CECIL F. )  
FOSTER, and wife MATTIE D. )  
FOSTER; HERBERT GIBSON, and )  
wife KAY MARLOW GIBSON; )  
HOMER M. GUFFEY, and )  
wife IVA T. GUFFEY; HOWARD R. )  
GUFFEY, and wife GAIL E. GUFFEY; )  
JAMES CHARLIE HENLINE, and wife )  
LOUISE W. HENLINE; JOHN F. )  
HUMPHRIES; RONNIE L. INGLE, and )  
wife CHRISTA M. INGLE; GARY )  
LAVENDER; SYLVIA G. McCRARY, )  
and husband JOHN McCRARY; )  
EUNICE COLEEN MAUNEY, and )  
husband LEON M. MAUNEY; )  
NEVERT L. NATION, and wife DELLA )  
B. NATION; ROY RAMSEY; LISA J. )  
SPLAWN; NORMA R. STARNES, )  
Individually and as Executrix of the )  
Estate of Nick W. Starnes, Deceased; )  
JOHN D. TEAGUE, and wife )  
DOROTHY LEE PHILLIPS TEAGUE; )  
THOMAS C. TIPTON; SARAH )  
JACQUELYN BENNETT, Individually )  
and as Personal Representative of )**

the Estate of James Bennett, )  
 Deceased; WILLIAM S. BLACK, and )  
 wife VICKI BLACK; BOBBY R. )  
 HANCOCK, and wife ELNA FAY L. )  
 HANCOCK; SHELBY HOWELL; )  
 NORMAN H. HILL, and wife )  
 CATHERINE C. HILL; EDGAR )  
 EUGENE HOMAN, and wife VIRGINIA )  
 LEVELL ROBERTS; RAY B. KETCHIE,) )  
 and wife PEGGY ELLER KETCHIE; )  
 BILLY MERCER, and wife CAROL F. )  
 MERCER; AGNES M. MIXER, )  
 Individually and as Executrix of the )  
 Estate of Carl M. Mixer, Deceased; )  
 HARGET FRANKLIN MOORE, and )  
 wife MAMIE ELIZABETH MOORE; )  
 FELIX DONALD WRIGHT, and wife )  
 BESSIE WRIGHT; JOHNNIE )  
 BRATTEN, and wife KATHLEEN M. )  
 BRATTEN; KENNETH BROMELOW; )  
 RICHARD ALLEN, and wife )  
 DEMENTRA KRISON ALLEN; ALLEN )  
 S. DAVIS; DENNIS R. HICKS, and )  
 wife PATRICIA J. HICKS; JOHN D. )  
 HILTON, and wife BARBARA HILTON;) )  
 HAYWARD B. McATEER, and wife )  
 JEANNETTE R. McATEER; LEE W. )  
 McKEOWN, SR., and wife FRANKIE )  
 J. McKEOWN; JON ANDREW )  
 PARRISH; KELLY D. PURSLEY, and )  
 wife SANDRA S. PURSLEY; ALBERT )  
 C. SMITH, and wife SHIRLEY F. )  
 SMITH; SARAH B. WALTERS, and )  
 husband JAMES B. WALTERS; )  
 JOHN K. GREENE, and wife BETTY )  
 C. GREENE; LEWIS KOEHLER, and )  
 wife PAMELA L. KOEHLER; )

EDWARD R. MILLS, and wife )  
 SANDRA L. MILLS; HENRY A. )  
 HOUGHTON, Administrator of the )  
 Estate of Henry M. Houghton, )  
 Deceased; and JOHN BRANNON )  
 BRIGHT, Executor of the Estate of )  
 Jimmy D. Hodge, Deceased; )

Plaintiffs, )

Vs. )

**ORDER**

AMCHEM PRODUCTS, INC.; CBS )  
 CORPORATION; A. W. CHESTERTON, )  
 INC.; CLEAVER BROOKS; CROWN )  
 CORK & SEAL COMPANY, INC.; )  
 FOSTER WHEELER CORPORATION; )  
 GARLOCK, INC.; GENERAL )  
 ELECTRIC COMPANY; )  
 GEORGIA-PACIFIC CORPORATION; )  
 METROPOLITAN LIFE INSURANCE )  
 COMPANY; MINNESOTA MINING )  
 AND MANUFACTURING COMPANY, )  
 INC.; NATIONAL SERVICES )  
 INDUSTRIES; OWENS-ILLINOIS, )  
 INC.; and RAPID AMERICAN )  
 CORPORATION, )

Defendants. )

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**THIS MATTER** is before the Court on receipt of the parties' responses to the Court's December 15, 2006, Order and the joint motion of Plaintiffs and Defendant Foster Wheeler Corporation to dismiss.

Plaintiffs' counsel advises that settlement funds from the Defendants CertainTeed, Metropolitan Life Insurance Company, D. B. Riley, Inc., Atlas Asbestos Co., Ltd., Asbestos Corporation, Ltd., Bell Asbestos Mines, Ltd., Lac D'Amiante du Quebec, Ltee, and Turner Asbestos Fibres, Ltd., have been received and this matter may be dismissed with prejudice as to those Defendants. Additionally, Dana Corporation, Dresser Industries, and Flintkote Company are now under bankruptcy protection; therefore, this matter will be closed administratively as to those Defendants.

**IT IS, THEREFORE, ORDERED** that all of the Plaintiffs' claims as to the Defendants CertainTeed, Metropolitan Life Insurance Company, D. B. Riley, Inc., Atlas Asbestos Co., Ltd., Asbestos Corporation, Ltd., Bell Asbestos Mines, Ltd., Lac D'Amiante du Quebec, Ltee, and Turner Asbestos Fibres, Ltd., are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the joint motion to dismiss Plaintiffs' claims filed by the Defendant Foster Wheeler Corporation is **ALLOWED**, and all claims of the Plaintiffs herein as to Defendant Foster Wheeler Corporation are hereby **DISMISSED WITH PREJUDICE**. The case caption is hereby amended on this Order to reflect the disposal of these claims.

**IT IS FURTHER ORDERED** that this matter is hereby **STAYED** as to the Defendants Dana Corporation, Dresser Industries, and Flintkote Company only pending completion of bankruptcy proceedings, and the Clerk is directed to close this case as to those Defendants as outlined in Volume XI, Chapter V of the *Guide to Judiciary Policies and Procedures*.

Signed: January 12, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

